

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32030 of 2024

Arising Out of PS. Case No.-257 Year-2023 Thana- LAKHNAUR District- Madhubani

Sanjeet Kumar Jha S/o Raj Kant Jha R/o vill - Navtol, Near Kamla Balam,
ward no. 27, P.s. - Lakhanour RSOP, Distt. - Madhubani Petitioner/s
Versus

1. The State of Bihar
 2. Mr. Naresh Dixit, Adv. for Mines and Minerals Dep. Gov. of Bihar, Patna
Bihar
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Bharti, Advocate
For the State	:	Md. Aslam Ansari, APP
For the Mines	:	Mr. Naresh Dikshit, Spl. P.P. Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-05-2024 Heard Ld. counsel for the petitioner and

Ld. APP for the State as well as Ld. Spl. P.P. for the Mines.

2. The petitioner apprehends his arrest in connection with Lakhnaur (R.S.O.P.) P.S. Case No. 257 of 2023 dated 01.12.2023, registered for the offences punishable under Section 379 and 411 read with Section 34 of the Indian Penal Code and Section 21 MM(D & R) Act, 1957 as well as Section 56(2) of Bihar Minerals (Concession, Prevention of Illegal Mining Transportation Storage) Amendment Rules, 2021.

3. As per the prosecution case, allegation against the petitioner is of illegal mining of white sand from Kamla river near Pipra Ghat.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. He further submits that whole case is nothing but measure of the police to harass the petitioner who is owner of the vehicle in question. To substantiate his claim, he says that admittedly as per the F.I.R., the vehicles have not been seized on the place of occurrence. Had the allegation been true, it was not impossible for the police to seize the vehicle on spot, but there is no truth in the allegation and this vehicle has been seized, it was lying in the campus of the house of the petitioner only for extraneous consideration. He further submits that the maximum punishment of the alleged offence under Mines and Mineral Act is two years and the addition of section 379 and 411 of I.P.C. is superficial for making the case serious.

5. It has also been stated in paragraph no.3 of the bail petition that the petitioner has one criminal antecedent, in which he is on bail.

6. It is also stated in paragraph no. 2 of the petition that petitioner has never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail.

7. However, Ld. APP for the State and Ld. Spl. P.P. for the Mines vehemently oppose the prayer of the petitioner for anticipatory bail.

8. Considering the aforesaid facts and circumstances



of the case, this application is allowed, directing the petitioner above named, to be enlarged on bail in the event of his arrest or surrender before Ld. trial court within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate-I, Jhanjharpur, Madhubani, in connection with Lakhnaur (R.S.O.P.) P.S. Case No. 257 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of Ld. trial court that the petitioner has any criminal antecedent, Ld. trial court shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of Ld. trial court that statement regarding previous bail petition is wrong, Ld. trial court shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J.)

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